

REMARKS

Claims 23-39 are pending in the present application.

Substance of Interview

Applicants thank the Examiner for the time, helpfulness and courtesies extended to Applicants' representatives during the Interview of April 8, 2010. The assistance of the Examiner in advancing prosecution of the present application is greatly appreciated. In compliance with M.P.E.P. § 713.04, Applicants submit the following remarks.

During the Interview, the Examiner acknowledged that Part (a) in the Office Action of March 31, 2010, abridging pages 2 and 3 thereof ("An international or national stage application..."), was included by error in the Office Action and should be removed from the outstanding Office Action.

Unity of Invention Restriction

The Examiner has required a Unity of Invention restriction between Groups I-V as set forth on page 2 of the Office Action.

Group I: Claim 23, drawn to a glucose and fructose biopolymer obtained from *Lactococcus lactis* NRRLB-30656 metabolism products;

Group II: Claims 24-29, drawn to a method of producing an enzymatic extract or preparation having glucosyltransferase and fructosyltransferase activity produced by *Lactococcus lactis* NRRLB-30656;

Group III: Claims 30-33, drawn to a method of producing the glucose and fructose biopolymer of claim 23;

Group IV: Claims 34-36, drawn to a *Lactococcus lactis* strain NRRL B-30656; and

Group V: Claims 37-39 drawn to methods of use for the biopolymer of claim 23.

As acknowledged by the Examiner, groups I, III- and V are considered to have unity of invention. **As such, Applicants elect, without traverse, Groups I, III and V (e.g., claims 23, 30-33 and 37-39).**

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Marc S. Weiner, Registration No. 32181 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated:

MAY 26 2010

Respectfully submitted,

By Marc S. Weiner
Marc S. Weiner
Registration No.: 32181
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, VA 22040-0747
703-205-8000

Attachment: Copy of fax sent to Examiner Underdahl on April 8, 2010